

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BRODERICK HAWKINS,)	
)	
Petitioner,)	
)	
vs.)	Case No. 4:02CV00793 ERW
)	
JEFF NORMAN,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter comes before the Court on Petitioner Broderick Hawkins's Motion for "Relief of Clerical Mistake Federal Rule 60(a)" [ECF No. 23]. On January 24, 2003, the Court dismissed Petitioner's Petition for Habeas Corpus as time-barred. ECF No. 7. The Court denied a certificate of appealability. *Id.* On February 12, 2003 and April 1, 2003, the Court denied motions for relief from clerical mistakes in the Court's January 24, 2003 Order. ECF Nos. 9 & 17. Petitioner's current filing seeks the same review of "clerical mistakes," which is really just a motion for reconsideration of the Court's finding that his first habeas petition was time-barred. Even though the pending motion mentions a recent United States Supreme Court case, *Martinez v. Ryan*, --- U.S. ---, 132 S.Ct. 1309 (2012), it is successive to these previous filings. Under 28 U.S.C. § 2244(b)(1), "[a] claim presented in a second or successive habeas corpus application under section 2254 that was presented in a prior application shall be dismissed." Therefore, this matter will be summarily dismissed.

Accordingly,

IT IS HEREBY ORDERED that Petitioner's Motion for "Relief of Clerical Mistake Federal Rule 60(a)" [ECF No. 23] is **DISMISSED**.

IT IS FURTHER ORDERED that a certificate of appealability shall not issue.

IT IS FURTHER ORDERED that Petitioner's Motion for Leave to Proceed In Forma Pauperis [ECF No. 25] is **DENIED as MOOT**.

Dated this 31st day of August, 2012.

A handwritten signature in black ink, appearing to read "E. Richard Webber", written in a cursive style.

E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE